

1 Martin E. Hansen, OSB #800526
FRANCIS HANSEN & MARTIN LLP
2 1148 NW Hill Street
Bend, OR 97703
3 (541) 389-5010
meh@francishansen.com
4 Of Attorneys for Plaintiff

5
6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
7 FOR CROOK COUNTY

8 GP LLC, an Oregon limited liability company,

Case No. 18CV52765

9 Plaintiff,

WRIT OF EXECUTION

10 v.

11 CHRISTIAN S. RADABAUGH, individually;
12 RADABAUGH RANCH LLC, an Oregon
13 limited liability company,

14 Defendants.

15
16 **TO: SHERIFF OF CROOK COUNTY**

17 WHEREAS, on or about November 21, 2018, a judgment of foreclosure and General
18 Judgment and Money Award (the "Judgment") was entered in the register of this case in the above-
19 entitled Court in favor of plaintiff and against defendants, Christian Radabaugh and Radabaugh
20 Ranch, LLC, and providing two money awards in the principal sum of (1) \$1,564,713.89 plus pre
21 and post judgment interest at a rate of 10% per annum from June 21, 2018 until paid; and (2)
22 \$407,003.88 plus pre and post judgment interest at a rate of 10% per annum from June 21, 2018
23 until paid. A true and correct copy of the General Judgment is attached hereto as Exhibit 1.

24 On or about June 12, 2020, a Supplement Judgment of Attorney Fees and Costs (the
25 "Supplemental Judgment") was entered in the register of this case in the above-entitled Court in
26 favor of plaintiff and against defendants, Christian Radabaugh and Radabaugh Ranch LLC in the

PAGE 1 - WRIT OF EXECUTION

RECEIVED

JAN - 6 2021



FRANCIS HANSEN & MARTIN LLP
1148 N.W. HILL STREET BEND, OR 97703-1914
TEL: (541) 389-5010 • FAX: (541) 382-7066
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Crook County Sheriff's Office

1 principal sum of \$292,191.50 plus post judgment interest from entry of judgment at a rate of 10%
2 per annum until paid. A true and correct copy of the Supplemental Judgment is attached hereto as
3 Exhibit 2.

4 As of the date of delivery of this Writ to the Court Administrator, January 4, 2021, the
5 outstanding amounts due and owing on the General Judgment and Money Award, together with the
6 amounts due and owing on the Supplemental Judgment of Attorney Fees and Costs, is
7 \$1,485,145.87, plus continuing post-judgment interest at a rate of \$312.78 per day from each day
8 after January 4, 2021, which is the date of plaintiff's request for issuance of this writ.

9 Now, therefore, in the name of the State of Oregon, you are hereby commanded to sell, in
10 the manner prescribed by law for sale upon execution (subject to redemption rights) all of the
11 interest defendants had on April 13, 2018, which is the date of the Deed of Trust, and also all of the
12 interest that defendants had thereafter, in the real property described in the judgment and located
13 at: **15334 NE O'Neil Highway, Redmond, Oregon 97756**, and more particularly described in the
14 attached Exhibit 3. Due return upon this Writ shall be made within 60 days after your receipt of this
15 Writ.

16 The judgment creditor's mailing address for purposes of this Writ is:

17 **Francis Hansen & Martin LLP**
18 **Attn: Martin E. Hansen**
19 **1148 NW Hill Street**
20 **Bend, Oregon 97703**

Signed: 1/5/2021 08:58 AM

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Amy Bonkosky, Trial Court Administrator

PAGE 2 - WRIT OF EXECUTION



FRANCIS HANSEN & MARTIN LLP
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CERTIFIED TRUE COPY OF THE ORIGINAL
DATED THIS 5 DAY OF JAN 21
CIRCUIT COURT
JEFFERSON COUNTY
STATE OF OREGON

Julie McGuire
Julie McGuire COURT CLERK

1 Martin E. Hansen, OSB #800526
2 FRANCIS HANSEN & MARTIN LLP
3 1148 NW Hill Street
4 Bend, OR 97703
5 (541) 389-5010
6 meh@francishansen.com
7 Attorney for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR CROOK COUNTY

GP LLC, an Oregon limited liability company,

Case No. 18CV52765

Plaintiff,

GENERAL JUDGMENT

v.

CHRISTIAN S. RADABAUGH, individually;
RADABAUGH RANCH LLC, an Oregon
limited liability company,

Defendants.

Based on the Confession of Judgment on file herein, judgment is hereby entered as follows:

GENERAL JUDGMENT

1. On its First Claim for Relief, judgment is hereby entered in favor of plaintiff and against defendants Christian Radabaugh and Radabaugh Ranch LLC, and each of them, in the sum of \$1,564,388.89 together with interest thereon at 10% per annum from June 21, 2018 until paid, together with plaintiff's costs and disbursements incurred herein including plaintiff's reasonable attorney fees incurred herein;

2. On its Second Claim for Relief, additional judgment is hereby entered in favor of plaintiff and against defendant Christian Radabaugh in the sum of \$406,678.88 together with

1 - GENERAL JUDGMENT



1 interest thereon at 10% per annum from June 21, 2018 until paid, together with plaintiff's costs and
2 disbursements incurred herein including plaintiff's reasonable attorney fees incurred herein;

3 3. Plaintiff's secured interest in defendants' cattle herd described herein and all rock and
4 rock products of defendants described herein is hereby foreclosed;

5 4. The Crook County Sheriff is hereby ordered to execute upon and sell at an execution
6 sale all of defendants' interest in defendants' cattle herd described herein, together with an
7 additional sale on execution of all of defendants' interest in its rock products referenced in the
8 Security Agreement attached hereto;

9 5. The proceeds received from the Sheriff's Sale shall be first applied towards the cost
10 of the sale and then towards satisfaction of plaintiff's judgment;

11 6. If the proceeds of the sale are insufficient to satisfy plaintiff's judgment, such
12 deficiency may be enforced by execution provided by law;

13 7. Defendants, and each of them, and all persons claiming through or under them either
14 as purchasers, encumbrancers or otherwise are hereby forever foreclosed of all interest in or claim
15 in the cattle and rock sold at the sale;

16 8. Plaintiff's lien of the Trust Deed is hereby foreclosed as a valid lien against the real
17 property described above and declaring that lien to be superior to any interest lien, right, title or
18 claim of the defendants, or any of them in the property;

19 9. Plaintiff's Trust Deed lien is hereby foreclosed and shall be sold by the Sheriff of
20 Crook County, Oregon in the manner prescribed by law;

21 10. The proceeds received shall be first applied towards the costs of sale and then
22 towards satisfaction of plaintiff's judgment and any surplus to any parties claiming therein;

23 11. If proceeds of the sale are insufficient to satisfy plaintiff's judgment, such deficiency
24 shall be enforced by execution provided by law;

25 12. Defendants, and each of them, and all persons claiming through or under them, either
26 as purchasers, encumbrancers, or otherwise are hereby forever foreclosed of all interest in or claim

2 – GENERAL JUDGMENT



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EXHIBIT 1
Page 2 of 6

1 in the real property except for any redemption right that said defendants may have in the real
2 property.

3 13. GP LLC is entitled to its reasonable attorney fees together with its costs and
4 disbursements.

Signed: 11/19/2018 01:51 PM

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Circuit Court Judge, Daniel J. Ahern

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3 - GENERAL JUDGMENT



FRANCIS HANSEN & MARTIN LLP
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EXHIBIT 1
Page 3 of 6

MONEY AWARD
FIRST CLAIM FOR RELIEF

1		
2		
3		
4	1. JUDGMENT CREDITOR	GP LLC
5		8611 NE Ochoco
6		Prineville, OR 97754
7	2. ATTORNEY FOR CREDITOR	Martin E. Hansen, OSB #800526
8		Francis Hansen & Martin LLP
9		1148 NW Hill Street
10		Bend, OR 97703
11	3. JUDGMENT DEBTOR	Christian S. Radabaugh
12		Radabaugh Ranch LLC
13	4. ATTORNEY FOR DEBTOR	
14	5. PRINCIPAL AMOUNT OF AWARD	\$1,564,388.89
15	6. COSTS	TBD
16	7. ATTORNEY FEES	TBD
17	8. PREVAILING PARTY FEE	\$325.00
18	9. PRE-JUDGMENT INTEREST	From June 21, 2018 until entry of judgment
19	10. POST-JUDGMENT INTEREST	10 percent per annum
20	TOTAL MONEY AWARD	
21	(before calculation of post-judgment interest)	\$1,564,713.89
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Signed: 11/20/2018 04:28 PM

Circuit Court Judge, Daniel J. Ahern

4 – GENERAL JUDGMENT



FRANCIS HANSEN & MARTIN LLP
1148 N.W. HILL STREET BEND, OR 97703-1914
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EXHIBIT 1
Page 4 of 6

MONEY AWARD
SECOND CLAIM FOR RELIEF

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2		
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4	1. JUDGMENT CREDITOR	GP LLC
5		8611 NE Ochoco
6		Prineville, OR 97754
7	2. ATTORNEY FOR CREDITOR	Martin E. Hansen, OSB #800526
8		Francis Hansen & Martin LLP
9		1148 NW Hill Street
10		Bend, OR 97703
11	3. JUDGMENT DEBTOR	Christian S. Radabaugh
12	4. ATTORNEY FOR DEBTOR	
13	5. PRINCIPAL AMOUNT OF AWARD	\$406,678.88
14	6. COSTS	TBD
15	7. ATTORNEY FEES	TBD
16	8. PREVAILING PARTY FEE	\$325.00
17	9. PRE-JUDGMENT INTEREST	From June 21, 2018 until entry of judgment
18	10. POST-JUDGMENT INTEREST	10 percent per annum
19	TOTAL MONEY AWARD	
20	(before calculation of post-judgment interest)	\$407,003.88


Signed: 11/20/2018 04:28 PM

Circuit Court Judge, Daniel J. Ahern

5 – GENERAL JUDGMENT



FRANCIS HANSEN & MARTIN LLP
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EXHIBIT 1
Page 5 of 6

UTCR 5.100 CERTIFICATION

This proposed order or judgment is ready for judicial signature because:

- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. (UTCR 5.100)
- This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

DATED: November 19, 2018.

FRANCIS HANSEN & MARTIN LLP

s/Martin E. Hansen
MARTIN E. HANSEN, OSB #800526
Attorneys for Plaintiffs

UTCR 5.100 CERTIFICATION TO JUDGMENT



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2 1148 NW Hill Street
Bend, OR 97703
3 (541) 389-5010
meh@francishansen.com
4 *Of Attorneys for Plaintiff*

5
6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
7 FOR CROOK COUNTY

8 GP LLC, an Oregon limited liability company,
9 Plaintiff,

Case No. 18CV52765

10 v.

**SUPPLEMENTAL JUDGMENT OF
ATTORNEY FEES AND COSTS**

11 CHRISTIAN S. RADABAUGH, individually;
12 RADABAUGH RANCH LLC, an Oregon
13 limited liability company,

14 Defendants.

15
16 On November 20, 2018, the Court entered a General Judgment and Money Award (the
17 "Judgment") in favor of Plaintiff and against Defendants in the above-captioned action. The
18 Judgment provides that plaintiff, GP, LLC ("Plaintiff") is entitled to its reasonable attorney fees
19 together with its costs and disbursements. Plaintiff's ORCP 68 Statement of Costs and Attorney
20 Fees was submitted on March 4, 2020 and the Honorable Daina A. Vitolins issued a letter opinion
21 on June 5, 2020. Now, therefore,

22 IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff is entitled to and is awarded its
23 reasonable attorney fees, costs and disbursements as set forth in the letter opinion of June 5, 2020.
24 Plaintiff shall have a supplemental judgment entered in its favor against Defendants for attorneys'
25 fees in the sum of \$288,603.50, and costs and disbursements in the sum of \$3,588.00, for a total
26 supplemental judgment of \$292,191.50.

PAGE 1 – SUPPLEMENTAL JUDGMENT OF ATTORNEY FEES AND COSTS



MONEY AWARD

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3	1. JUDGMENT CREDITOR	GP LLC
4		8611 NE Ochoco
5		Prineville, OR 97754
6	2. ATTORNEY FOR CREDITOR	Martin E. Hansen, OSB #800526
7		Francis Hansen & Martin LLP
8		1148 NW Hill Street
9		Bend, OR 97703
10	3. JUDGMENT DEBTOR	Christian S. Radabaugh
11		Radabaugh Ranch LLC
12		15334 NE O'Neil Hwy.
13		Redmond, OR 97756
14	4. ATTORNEY FOR DEBTOR	Nick Henderson
15		Motschenbacher & Blatner, LLP
16		117 SW Tayler Street, Suite 300
17		Portland, OR 97204
18	5. OTHER PARTIES ENTITLED TO ANY PORTION OF JUDGMENT	None
19	6. COSTS	\$3,588.00
20	7. ATTORNEY FEES	\$288,603.50
21	8. PRE-JUDGMENT INTEREST	None
22	9. POST-JUDGMENT INTEREST	10% per annum
23	TOTAL MONEY AWARD	
24	(before calculation of post-judgment interest)	\$292,191.50

Signed: 6/11/2020 05:04 PM



Daina A. Vitolins, Circuit Court Judge

PAGE 2 - SUPPLEMENTAL JUDGMENT OF ATTORNEY FEES AND COSTS



FRANCIS HANSEN & MARTIN LLP
1148 N.W. HILL STREET BEND, OR 97703-1914
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WWW.FRANCISHANSEN.COM

EXHIBIT 2
P. 2 of 4

1 Submitted by:

2 Martin E. Hansen, OSB #800526
3 FRANCIS HANSEN & MARTIN LLP
4 1148 NW Hill Street
5 Bend, OR 97703
6 (541) 389-5010
7 meh@francishansen.com
8 *Of Attorneys for Plaintiff*
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PAGE 3 – SUPPLEMENTAL JUDGMENT OF ATTORNEY FEES AND COSTS



FRANCIS HANSEN & MARTIN LLP
1148 N.W. HILL STREET BEND, OR 97703-1914
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WWW.FRANCISHANSEN.COM

EXHIBIT 2
P. 3 of 4

1 **CERTIFICATE OF SERVICE**

2 I certify that I served the foregoing a true and exact copy of the foregoing **SUPPLEMENTAL JUDGMENT**
3 **OF ATTORNEY FEES AND COSTS** by the method indicated below to:

4 Nicholas J. Henderson
5 Motschenbacher & Blattner, LLP
6 117 SW Taylor Street, Ste 300
7 Portland, OR 97204
8 Email: nhenderson@gortlaw.com

9 Andrew E. Fitch
10 Fitch & Neary, P.C.
11 210 SW 5th Street, Suite 2
12 Redmond, OR 97756
13 andrew@fitchandneary.com

14 by mailing in a sealed envelope, addressed to the last-known office address of the party, and deposited with the
15 United States Postal Service at Bend, Oregon.

16 DATED this 11th day of June 2020.

17 FRANCIS HANSEN & MARTIN LLP

18 s/ Martin E. Hansen
19 Martin E. Hansen, OSB #800526
20 Of Attorneys for Plaintiff

21 **UTCR 5.100 CERTIFICATION**

22 **This proposed order or judgment is ready for judicial signature because:**

- 23 Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each
24 opposing party's signature on the document being submitted.
- 25 Each opposing party affected by this order or judgment has approved the order or judgment, as shown by
26 signature on the document being submitted or by written confirmation of approval sent to me.
- 27 I have served a copy of this order or judgment on all parties entitled to service and:
 - 28 a. No objection has been served on me.
 - 29 b. I received objections that I could not resolve with the opposing party despite
30 reasonable efforts to do so. I have filed a copy of the objections I received and
31 indicated which objections remain unresolved.
 - 32 c. After conferring about objections, [role and name of opposing party] agreed to
33 independently file any remaining objection.
- 34 The relief sought is against an opposing party who has been found in default.
- 35 An order of default is being requested with this proposed judgment.
- 36 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. (UTCR 5.100)
- 37 This is a proposed judgment that includes an award of punitive damages and notice has been served on the
38 Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

39 DATED: June 11, 2020.

40 FRANCIS HANSEN & MARTIN LLP

41 s/Martin E. Hansen
42 MARTIN E. HANSEN, OSB #800526
43 Of Attorneys for Plaintiff

44 **CERTIFICATE OF SERVICE AND UTCR 5.100 CERTIFICATION TO JUDGMENT**



45 **FRANCIS HANSEN & MARTIN LLP**
46 1148 N.W. HILL STREET BEND, OR 97703-1914
47 TEL: (541) 389-5010 • FAX: (541) 382-7068
48 WWW.FRANCISHANSEN.COM

Exhibit "A"

Located in Crook County, Oregon:

In Township 14 South, Range 14 East of the Willamette Meridian, Crook County, Oregon:

Section 27: All

Section 34: The North half of the Northeast quarter (N1/2NE1/4)

EXCEPTING FROM the above described lands, the following:

1. A tract of land deeded to School District No. 18 by deed dated January 22, 1904 and recorded April 1, 1904 in Book 10 of Deeds at page 570, Records of Crook County, Oregon.
2. Right of way deeded to Deschutes Irrigation and Power Company by deed dated November 1, 1906 and recorded in Book 13 of Deeds at page 474, and Book 23 of Deeds at page 11, Records of Crook County, Oregon.
3. Right of way deeded to Prineville Irrigation Company by deed dated June 27, 1892 and recorded May 16, 1893 in Book 5 of Deeds at page 66, Records of Crook County, Oregon.
4. Right of way deeded to the City of Prineville, Oregon, by deed dated January 27, 1917 and recorded November 13, 1917 in Book 40 of Deeds at page 23, Records of Crook County, Oregon.
5. Right of way deeded to Crooked River Central Ditch Co., by deed dated July 12, 1926 and recorded July 19, 1926 in Book 45 of Deeds at page 376, Records of Crook County, Oregon.
6. Right of way deeded to the State of Oregon, by and through its State Highway Commission, by deed dated July 5, 1950 and recorded July 18, 1950 in Book 64 of Deeds at page 310, Records of Crook County, Oregon.
7. Right of way deeded to Low Line Ditch Co., a corporation, by deed dated February 23, 1905 and recorded February 16, 1951 in Book 65 of Deeds at page 399, Records of Crook County, Oregon.

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CERTIFICATE OF TRUE COPY

I certify that the foregoing **Writ of Execution** is a true and complete copy of the original thereof.

DATED: January 4, 2021.

FRANCIS HANSEN & MARTIN, LLP

s/ Martin E. Hansen
Martin E. Hansen, OSB #800526
Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that I served the foregoing a true and exact copy of the foregoing **Writ of Execution** by the method indicated below to:

Nicholas J. Henderson
Motschenbacher & Blattner, LLP
117 SW Taylor Street, Ste 300
Portland, OR 97204
nhenderson@qortlaw.com

Andrew E. Fitch
Fitch & Neary, P.C.
210 SW 5th Street, Suite 2
Redmond, OR 97756
andrew@fitchandneary.com

Christian Radabaugh
Radabaugh Ranch, LLC
15334 NE O'Neil Hwy.
Redmond, OR 97756

_____ by causing a full, true and correct copy thereof to be sent by the following indicated method or methods, on the date set forth below:

_____ by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the party, and deposited with the United States Postal Service at Bend, Oregon.

_____ by email copy and e-filing to the last known e-mail address of the person.

DATED: January 4, 2021.

FRANCIS HANSEN & MARTIN, LLP

s/ Martin E. Hansen
Martin E. Hansen, OSB #800526
Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

